



08/637894

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT:

EXAMINER:

#4
PA
Dawn Brainer
8-2-96In re applciation of: TASH,
GEORGE) FOR: IMPROVED TOILET AND SINK
) DRAIN PLUNGER

Application No.

Filed

Docket No.: P-

PRIOR ART STATEMENT

A search of the prior art has not been made. The only relevant prior art known to applicant is applicant's U. S. Patent No. 4,745,641, a copy of which is enclosed, together with one copy each of the patents cited against that patent during its prosecution as an application, and listed in the citation section of the patent.

A discussion here will not be made about those cited patents because none shows or suggests the present claimed invention. Patent No. 4,745,641 does show a plastic toilet drain plunger, which plunger, however, differs from the present claimed invention in several important ways.

Thus, the patent discloses only a single curved ring seal

1 and that a bottom seal. There is no disclosure of a vertically
2 stacked series of curved ring seals of progressively larger
3 diameter from the bottommost seal to the top seal, nor the
4 concept of using a bulbous curved downwardly and inwardly
5 directed surface as a sealing surface for the plunger. There
6 is also no disclosure of a bottom fitting with a thin vertical
7 annular wall, as in the present plunger. Other substantial
8 differences also exist between the plunger of that patent
9 and the present cited invention. Accordingly, it is believed
10 that the present claimed invention is patentable.

11
12 During the course of prosecution of the parent patent
13 application serial number 08/432,245, of which the present
14 application is a C.I.P., U. S. Patent No. 4,745,641 to Tash
15 referred to above was cited against the claims, along with
16 Grosso, U. S. Patent No. 3,021,532 and Caverley, U. S.
17 Patent No. 1,271,853. However, Gross discloses a plunger force
18 cup which has 3 internal equi-diameter seals 36, 37 and 38
19 disposed within the body of the cup and there is no bellows.
20 Caverley discloses a sink pipe cleaning device with external
21 ridges 8 and 9 and grooves 10 and 11, none of which seal against
22 a sink or toilet drain hole. Caverley has no bellows. The
23 Caverley and Gross devices are totally distinct from each other
24 and from the present plunger and that of Tash. Accordingly, it
25 is believed that the present claimed device is patentable over
26 the cited art. Dixon, U. S. Patent No. 4,238,860 and Curzon,
27 U. S. Patent No. 3,787,905 also disclose distinctively different
28

1 rubber plungers and drain cleaning devices from that of the
2 present claims. Accordingly, the present claimed invention
3 is patentable thereover.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28